IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.204/2006.

National Insurance Co. Ltd.
Diamond Chambers. 2nd Floor,
18th June Road, Panaji-Goa. ..... Appellant.

Versus

1.Shri. Shrikant K. Gaonkar,
Son of late Kashinath Gaonkar,
aged 37years, married,
Residing at H. No.620, Surla,
Gaonkarwado, Velguem-Goa.

2. Shri. Shrinivas L. Mannawaddar,
S/o. Laximan Mannawaddar,
R/o. H. No.9, Ramnagar, Dharwad
Road, Joida Taluka, Uttar Kanara, ... Respondents.
and Presently residing at C/o Anil
Photo Studio, Agarwada, Calangute
Bardez- Goa. (Deleted)

3. Shri. Gajanan Shankar Kerkar,
R/o. H. No.1280, Umtawado,
Calangute, Bardez- Goa.

Mr. E.A. fonso, Advocate for the appellant.
Mr. J. P. Mulgaonkar, Advocate for the respondents No. 1.

Coram :- **R. S. MOHITE, J.**

Date : - 12th October, 2007.

ORAL JUDGMENT :

Heard both sides. On behalf of appellant it is stated that the only point the appellant would like to argue, is regarding the quantum of compensation which has been awarded. The Advocate appearing on behalf of respondent No.1 states that in so far as the

quantum is concerned, his client may not press for the amount of Rs. 10,000/- which is awarded towards travelling expenses and an amount of Rs. 15,000/- awarded towards medicine. If these two amounts are excluded then, compensation would stand reduced from Rs. 3 Lacs to 2,75,000/- The Advocate for the Insurance Company states that this is acceptable by the Insurance Company and in view of this other points would not be pressed. In the circumstances, the appeal is partly allowed. By the partial modification to the impugned award dated 31.3.2005, it is held that appellant and respondent No.3 are jointly and severally liable to pay the compensation amount of Rs. 2,75,000/- to the present respondent No.1. The compensation amount shall carry interest @ Rs.9 % p.a. from the date of application till payment. The amount if any paid to respondent No.1 U/s.140 of the M.V. Act, shall be adjusted against the compensation finally awarded under this order. The balance if any due under this order, will be deposited by the appellant in this Court within a period of 3 weeks and if deposited, the same shall be paid over to respondent No.1. The appeal is partly allowed and is disposed off with these directions. There will be no order as to costs.

R. S. MOHITE, J.

SMA